

Appl. No. 10/774,393
Amendment dated: January 4, 2005
Reply to OA of: October 7, 2004

REMARKS

Applicant has amended the claims taking into consideration the outstanding Official Action. Claim 52 has been cancelled without prejudice or disclaimer.

Applicant most respectfully submits that all the claims now present in the application are in full compliance with 35 U.S.C. §112 and are clearly patentable over the references of record.

The rejection of claim 52 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention has been carefully considered but is most respectfully traversed in view of the cancellation of claim 52. Accordingly, it is most respectfully requested that this rejection be withdrawn.

The rejection of claims 40-74 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent Nos. 6,479,035 and 6,630,129 has been carefully considered but is most respectfully traversed.

A timely filed Terminal Disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application.

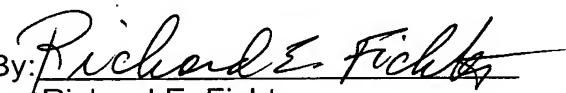
Applicants submit herewith a properly executed Terminal Disclaimer and the required fee thereby obviating the obviousness-type double patenting rejection. Accordingly, it is most respectfully requested that this rejection be withdrawn.

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In view of the above comments, amendments to the claims and submission herewith of a Terminal Disclaimer with appropriate fee, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,

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